

HOUSE BILL NO. 743

INTRODUCED BY CLARK, COBB, JAYNE, LIND, MORGAN, WEINBERG

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING CHRONIC DISEASE PROGRAMS TO THE DEFINITION OF "PROGRAMS FOR TOBACCO DISEASE PREVENTION"; AMENDING SECTIONS 17-6-602 AND 17-6-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-6-602, MCA, is amended to read:

"17-6-602. Definitions. As used in this part, the following definitions apply:

(1) "Benefits, services, or coverage of health care needs" means the provision of health care to persons by the state through any program of benefits, services, or coverage, including income tax incentives.

(2) "Health care" has the meaning provided in 50-16-504.

(3) (a) "Programs for tobacco disease prevention" means programs of services administered by the state for the purposes of informing individuals of the health risks of tobacco use and exposure to secondhand tobacco smoke, assisting persons in the avoidance of tobacco products use, and assisting individuals in cessation of tobacco use.

(b) Programs for tobacco disease prevention include:

(i) community-based education programs;

(ii) American Indian community tobacco education programs;

(iii) general public awareness and education programs;

(iv) tobacco cessation services;

(v) chronic disease programs;

~~(v)~~(vi) a tobacco use resource center;

~~(vi)~~(vii) special education and cessation programs to reach youth and women of childbearing age;

~~(vii)~~(viii) smokeless tobacco user programs; and

~~(viii)~~(ix) advertising issue programs.

1 (4) "Tobacco products" means a substance intended for human use that contains tobacco and includes
 2 but is not limited to cigarettes, cigars, smoking tobacco, and tobacco intended for use in an oral or nasal cavity.

3 (5) "Trust fund" means the Montana tobacco settlement trust fund authorized by Article XII, section 4,
 4 of the Montana constitution and implemented through this part."

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6 **Section 2.** Section 17-6-606, MCA, is amended to read:

7 **"17-6-606. Tobacco settlement accounts -- purpose -- uses.** (1) The purpose of this section is to
 8 dedicate a portion of the tobacco settlement proceeds to fund ~~a statewide comprehensive~~ programs for tobacco
 9 disease prevention ~~program~~ designed to:

- 10 (a) discourage children from starting use of tobacco;
 11 (b) assist adults in quitting use of tobacco;
 12 (c) provide funds for the children's health insurance program; and
 13 (d) provide funds for the comprehensive health association programs.

14 (2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30,
 15 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in
 16 this subsection may be used only for funding ~~a statewide~~ programs for tobacco disease prevention ~~program~~
 17 designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The
 18 department of public health and human services shall manage the tobacco disease prevention ~~program~~ programs
 19 and shall adopt rules to implement the ~~program~~ programs. In adopting rules, the department shall consider the
 20 standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its
 21 successor document, published by the U.S. department of health and human services, centers for disease control
 22 and prevention.

23 (3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30,
 24 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in
 25 this subsection may be used only for:

- 26 (a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance
 27 Program Act provided for in Title 53, chapter 4, part 10; and
 28 (b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with
 29 funding use subject to 33-22-1513.

30 (4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not

1 appropriated within 2 years after the date of deposit must be transferred to the trust fund.

2 (5) The legislature shall appropriate money from the state special revenue accounts provided for in this
3 section for programs for tobacco disease prevention, for the programs referred to in the subsection establishing
4 the account, and for funding the tobacco prevention advisory board.

5 (6) Programs funded under this section that are private in nature may be funded through contracted
6 services."

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8 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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